

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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In the matter of:

KENTUCKY POWER COMPANY D/B/A  
AMERICAN ELECTRIC POWER

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ALLEGED FAILURE TO COMPLY WITH  
807 KAR 5:041, SECTION 3 AND  
807 KAR 5:006, SECTION 25

AUG 31 2004

PUBLIC SERVICE  
COMMISSION

CASE NO. 2004-00049

STIPULATION OF FACTS AND AGREEMENT

By Order dated March 23, 2004, the Commission initiated this proceeding to determine whether Kentucky Power Company d/b/a American Electric Power ("Kentucky Power") should be subject to penalties prescribed in KRS 278.990 for the alleged violation of 807 KAR 5:041, Section 3 and 807 KAR 5:006, Section 25. The Order arose out of an accident on June 19, 2003, in Boyd County, Kentucky, in which Phillip Glass was injured at 237 Etna Street, Russell, Kentucky, upon contact with an energized #4 triplex service line owned and operated by Kentucky Power. The line previously was used to provide service to a home located at 209 Amanda Street, Russell, Kentucky. Pursuant to Kentucky Power's request, an informal conference with the Commission Staff (the "Staff") was held at the Commission's offices on April 29, 2004.

Kentucky Power and the Staff submit the following agreement for the Commission's consideration in rendering its decision in this proceeding:

1. Kentucky Power agrees that the Incident Description Section of the Staff's Utility Accident Investigation Report, appended to the Commission's Order dated March 23, 2004, accurately presents the facts relevant to this proceeding.

2. Following the incident, Kentucky Power instructed its service personnel that upon disconnection of any service line, all service drop lines are to be de-energized. Such education efforts will be continued from time to time by Kentucky Power as appropriate.

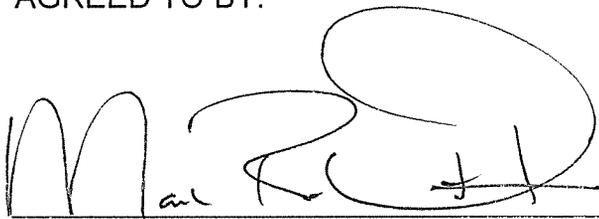
3. Kentucky Power agrees to pay to the Kentucky State Treasurer the amount of \$1,750.00 in full settlement of this proceeding. Neither the settlement payment, nor the fact of, or anything in, this Stipulation of Facts and Agreement shall constitute an admission by Kentucky Power that it violated the Commission's regulations, the National Electric Safety Code, the Kentucky Revised Statutes or any duty owed at common law. The settlement payment and the fact and contents of this Stipulation of Facts and Agreement shall not constitute evidence or be admissible for any purpose in any civil or other court proceeding relating to this incident.

4. Kentucky Power and the Staff agree that if this Stipulation of Facts and Agreement is not adopted in its entirety by the Commission, Kentucky Power and the Staff reserve their rights to withdraw there from and to require that a hearing be held on any and all matters involved herein. In such event, Kentucky Power and the Staff agree that the fact and contents of this Stipulation of Facts and Agreement shall be deemed

not binding upon the parties hereto, and shall not be used as an admission or evidence by either party.

5. Kentucky Power and the Staff agree that the foregoing Stipulation of Facts and Agreement is reasonable, is in the public interest, and should be adopted in its entirety by the Commission, and if so adopted, no petition for rehearing or judicial appeal will be filed.

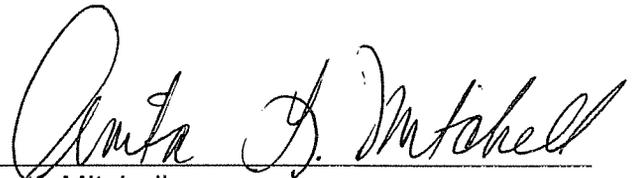
AGREED TO BY:



Mark R. Overstreet

Dated this the 8<sup>th</sup> day of July, 2004

COUNSEL FOR:  
KENTUCKY POWER COMPANY D/B/A  
AMERICAN ELECTRIC POWER



Anita Mitchell

Dated this the 21<sup>st</sup> day of July, 2004

COUNSEL FOR THE COMMISSION  
STAFF

KE057:KE170:10871:2:FRANKFORT